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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/107,237	06/30/1998	ALAN HERROD	SYM-0625	7741

7590 07/16/2002

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EXAMINER

FOURSON, GARY SCOTT

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/107,237

Applicant(s)

HERROD ET AL.

Examiner

Gary S. Fourson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 and 33-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16 and 33-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This final rejection is responsive to "RESPONSE TO OFFICE ACTION, ELECTION AND AMENDMENT," mailed on March 28, 2002 (paper no. 10: Amendment "B") as well as "SUPPLEMENTAL RESPONSE TO OFFICE ACTION," mailed April 29, 2002 (paper no. 12: Amendment C).

Specification

2. The disclosure is objected to because of the following informalities:

In the previous office action, Examiner noted that the amendment to the specification filed in the PRELIMINARY AMENDMENT (paper no. 4) dated July 2, 1998 directed towards page 12 line 12 replacing "rather" with --similar-- had not been entered. Applicant amended the informality on page 6 replacing "date" with -data-. Examiner appreciates the correction to page 6 as well as other informalities not noted in the previous office action. However, Applicant did not provide correction of the previously unentered amendment to page 12. Note the actual line number corresponding to the occurrence of "rather" is line 13 (**not line 12**). Subsequently, Applicant proposed the replacement of the paragraph (page 12, beginning on line 13) containing the minor informality addressed in the Preliminary Amendment, however did not indicate that the word "rather" should be replaced with --similar-- with appropriate underlining and bracketing as set forth in MPEP. Examiner requests formal corrections of the proposed preliminary amendment (paper 4) as well as the proposed replacement paragraph (paper 10, submitted March 28, 2002), **WHICH HAVE NOT BEEN ENTERED.**

Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al. (US**

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5,119,479, hereinafter “Arai”) in view of Roberts (US 5,801,696).

With respect to **claims 1, 2, 6, 12-16 and 33, 34, 44-48**, Arai teaches a data entity [col. 6 lines 18-29; input data from mouse] including identification information [input device name] regarding the input source [mouse or other logical input device means] of the data stored therein, transferring [“transmits the input data from the mouse 103 (input device) for logical input device execution to the UI execution function.”] the entity to an application, and associating the entity with an application [col. 7 lines 15-16] based upon the identification information [cols. 5-6]. It would have been obvious to one of ordinary skill in the art that the data is associated with a data field of an application as claimed, because the programs must declare variables or data fields for program data in order to allocate memory.

Roberts teaches a system for forwarding input events from logical devices such as pointing and “keyboard like” devices and notes that any device sending a stream of character input to the system maybe considered to be “keyboard like.” [col. 5 line 50] It would have been obvious to one of ordinary skill that bar code readers streaming an input of numeric and/or alphanumeric characters to the system are included in the “keyboard like” devices of Roberts. The input is stored in one of several queues after determining whether the input is pointer or keyboard related. [Figure 6; col. 5 line 55 through col. 6 line 49] Therefore, it would have been obvious to an artisan of ordinary skill at the time the invention was made to include input from barcode readers as suggested by Roberts with the input delegation system of Arai, because Roberts recognized input from various peripheral devices may be handled through the same input event dispatching entity.

As to **claims 6 and 38**, Arai teaches identification information including time and position [cursor coordinates]. It would have been obvious to include other uniquely identifying information in the data objects transmitted from an input source to an application in order to assure delivery.

As to **claims 3-5, 7-11, 35-37, and 39-43**, Arai teaches logical device input rules [form objects] in col. 5-6.

Response to Amendment

5. Section 112: In light of Applicant's arguments of record, the **35 USC § 112** rejections set forth in the previous office action are withdrawn.

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6. Applicant's arguments with respect to claims 1-16 and 32-48 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to **Gary Fourson** at **(703) 305-4392**.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to (gary.fourson@uspto.gov).

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

The fax numbers for Official (703-746-7239), to be intended for entry into the application, Non-Official/Draft (703-746-7240), or After-final (703-746-7238) communications may be utilized for expedited transactions.

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gsf

July 12, 2002

A handwritten signature in black ink, appearing to read "St. John Courtenay III". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

ST. JOHN COURTENAY III
PRIMARY EXAMINER